



# **IN THE COURT OF CRIMINAL APPEALS OF TEXAS**

---

---

**NO. PD-1445-16**

---

---

**FRED EARL INGERSON, III, Appellant**

**v.**

**THE STATE OF TEXAS**

---

---

**ON APPELLANT'S MOTION FOR BAIL PENDING APPEAL  
UNDER TEX. CODE CRIM. PROC. Art 44.04(h)  
HOOD COUNTY**

---

---

*Per curiam.*

## **ORDER**

Appellant was convicted of capital murder in Cause No. CR11514 in the 355TH Judicial District Court of Hood County. Punishment was assessed at confinement for life without parole. The Court of Appeals reversed the conviction. *Ingerson v. State*, \_\_\_ S.W.3d \_\_\_; No. 02-11-00311-CR (Tex. App.—Fort Worth, October 27, 2016). The State filed a petition for discretionary review, which is currently pending before this Court. No. PD-1445-16.

Appellant has filed an application under Article 44.04(h) of the Code of Criminal Procedure, to set a reasonable bail pending final determination of the appeal. However, before this Court can set a reasonable bail we must have adequate information upon which to determine a reasonable amount. Appellant fails to provide adequate information. The relevant factors to consider in deciding a reasonable bail amount are: (1) nature of offense, (2) ability to make bail, (3) prior criminal record, (4) conformity with previous bond conditions, (5) employment record, (6) family ties to the community, and (7) length of residence in community. *See Montalvo v. State*, 786 S.W.2d 710 (Tex. Crim. App. 1989).

Therefore, Appellant must redraft his request for bail under Art. 44.04(h) in order for this Court to set a reasonable bail.

Entered March 6, 2017.  
Do Not Publish